
DECISION MEMO
JACKASS FLATS SAGE-GROUSE HABITAT IMPROVEMENT PROJECT
U.S. Forest Service
Humboldt-Toiyabe National Forest, Bridgeport Ranger District
Douglas and Lyon Counties, Nevada
and
Mono County, California

BACKGROUND

The Jackass Flats Sage-Grouse Habitat Improvement Project was designed to improve habitat conditions for Bi-state sage-grouse, a sensitive species on the Humboldt-Toiyabe National Forest and in the Forest Service Intermountain Region. The project is consistent with the 1986 Toiyabe National Forest Land and Resource Management Plan as amended¹, including the 2016 Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment² and conservation strategies defined in the Bi-State Sage-Grouse Action Plan³. The project is designed to:

- Reduce pinyon-juniper expansion into sagebrush ecosystems,
- Reduce pinyon-juniper stand conversion from Phase 1 (areas where scattered trees are present but shrubs and herbaceous plants dominate the vegetation) to Phase 2 (areas where trees co-dominate the vegetation with shrubs and herbaceous plants in the understory) and from Phase 2 to Phase 3 (areas where trees are the dominant vegetation and little to no shrubs or herbaceous plants exist in the understory),
- Increase sagebrush habitat connectivity, and
- Reduce availability of perches for sage-grouse predators.

The project is needed because pinyon and juniper trees are present in sagebrush communities where sage-grouse breed, nest, and raise their broods. These trees provide perches for sage-grouse predators such as raptors and ravens and compete for resources with sagebrush and the grasses and forbs that provide food and cover for sage-grouse during critical times in their life cycle. The presence of conifer trees decreases the availability, quality, and connectivity of sage-grouse habitat.

The Jackass Flats project is part of the Bi-State Action Plan, a comprehensive interagency strategy to provide for the long-term conservation of the Bi-State sage-grouse and its habitat through the implementation of habitat improvement treatments, administrative actions, research, and monitoring. This project complements other work being undertaken by the Forest Service, BLM, and private landowners in the Bi-State area.

¹ 1986 Toiyabe National Forest Land and Resource Management Plan available at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5143054.pdf

² Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment Record of Decision available at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=40683

³ 2012 Bi-State Action Plan: Past, Present, and Future Actions for Conservation of the Greater Sage-grouse Bi-state Distinct Population Segment, available at http://www.ndow.org/uploadedFiles/ndoworg/Content/public_documents/Nevada_Wildlife/Bi-State%20Action%20Plan.pdf

PROJECT LOCATION

The project is located on the Humboldt-Toiyabe National Forest, Bridgeport Ranger District, in Douglas and Lyon County, Nevada and Mono County, CA (Figure 1). The project area includes approximately 825 acres of land and lies entirely within the Fourth of July Spring Inventoried Roadless Area. The project area lies on the border of California and Nevada, just northeast of Walker, CA, and west of Sweetwater Flat in NV. The best access appears to be from the Risue Road at the north end of Sweetwater Flat, although routes exist from Highway 395 (Figure 2).



Figure 1. General location of Jackass Flats project area on the Bridgeport RD, Humboldt-Toiyabe NF.

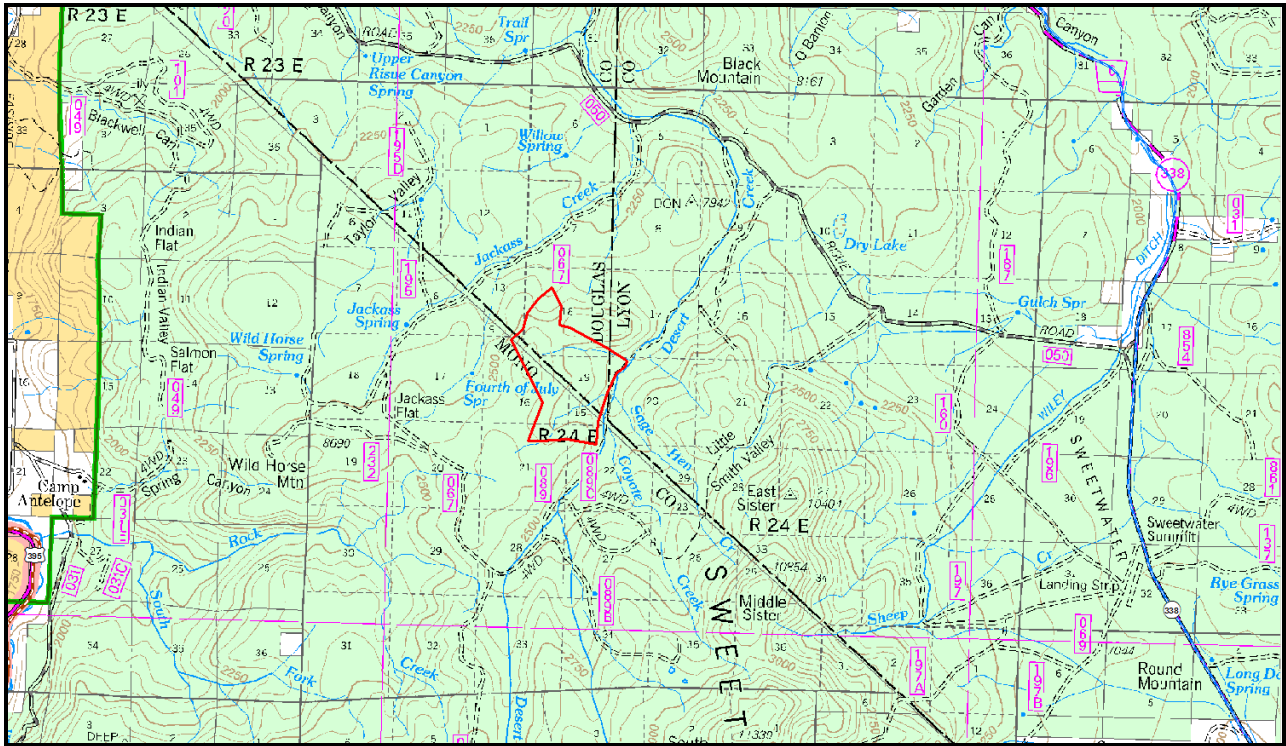


Figure 2. Jackass Flat project location on Bridgeport Ranger District, HTNF, showing access from the Risue Road at the north end of Sweetwater Flat.

PROPOSED ACTION

Pinyon-Juniper Treatments

The Forest Service is evaluating the removal of pinyon pine and juniper on approximately 825 acres within the Jackass Flats project area.

Treatment methods will be limited to hand cutting with lopping and scattering in Phase 1 and Phase 2 woodland encroachment areas, with an intact understory of sagebrush, grass, and forbs. During hand cut, lop, and scatter work, hand crews will use chainsaws to cut down pinyon and juniper trees. Depending on the size of the trees, branches will be lopped (cut) off the trunk of the tree and scattered. All wood, including branches, will be scattered so that it is left within 18 inches of the ground. Trees and branches will be left on site to decompose naturally. After initial treatments, follow-up maintenance and removal of pinyon and juniper that are either newly established from seed or were missed in the initial treatment would be done by hand as needed to reduce future encroachment.

Based on resource surveys and analysis, areas within the project boundary may be excluded from treatment. For example, layout crews may create exclusion zones around areas that exhibit characteristics of persistent woodlands, including rock outcrops where trees exhibit old-growth characteristics, in areas where little to no ground vegetation currently exists, or in the bottom or sides of steep drainages. Crews also look for trees with old-growth characteristics when laying out contract

boundaries and will create exclusion areas for specific trees. Old-growth junipers typically have flattened, rounded, or uneven tops; large branches near the base of the tree; dead branches, bark missing, and lichen growing on bark; thick, fibrous bark with well-developed vertical furrows; short leader growth at the tips of branches near the top of the tree; and little to no juniper berry production. Old-growth pinyon pines typically have flattened, rounded, or uneven tops; large branches at the base as well as the crown of the tree; dead branches and bark missing; thick, plate-like bark; short leader growth at the tips of branches near the top of the tree; and little to no cone and seed production.

Design Features

The Jackass Flats project will be implemented in compliance with all standards and guidelines identified in the Toiyabe Forest Plan, including the 2016 Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment (“Bi-state amendment”). The following design features are specific to the Jackass Flats project area and treatments.

Weed Management

1. Vehicles and mechanical equipment will be cleaned prior to entry on National Forest lands to remove all dirt, plant parts, and other material that could carry noxious weed seeds into the area.
2. No Parking of equipment in known weed locations.
3. New small infestations of priority weed species identified prior to or during project implementation would be avoided by vehicles until the infestation has been effectively treated to eliminate spread. If larger infestations are identified, they would be isolated and avoided by vehicles, or vehicles would be washed before leaving the infested area.
4. Post-project monitoring and treatment (if needed) of noxious weeds would be conducted for a period of two years after completion of the project.

Cultural Resource Protection

5. Heritage resources (those recommended eligible or unevaluated (contributing) for the National Register of Historic Places) will be marked as necessary and treated according to the recommendation of the Forest Service project archaeologist. An archaeological monitor will be present during project activities where the APE remains un-inventoried and at eligible/unevaluated historic properties. Should the 49 acres that have not been inventoried be surveyed prior to project implementation, an addendum report will be submitted for SHPO review.
6. If archaeological sites are discovered during project implementation, activities within 200 feet of the discovery will cease, pending consultation with the Forest Service project archaeologist.
7. Vehicles may use established non-system routes, but no additional maintenance will be conducted to improve these routes. Vehicles may not drive cross-country or off established routes.

Sensitive Plant Protection

8. Known occurrences of Bodie Hills draba (*Cusickiella quadricostata*) will be flagged by the botanist assigned to the project and avoided by project activities (known occurrences are outside treatment area). These occurrences will be displayed as polygons on contract maps and monitored by the Contract Inspectors.
9. New occurrences of threatened, endangered, proposed, or sensitive plant species discovered before or during project implementation would be flagged by the botanist assigned to the project and avoided by project activities.

Timing of Operations

10. Treatments will not occur between March 1 and June 30, for both sage-grouse breeding and nesting seasons as well as for forest health concerns. This time frame may shift up to a month back or forward in atypically dry or wet years based on observations of breeding/nesting activity and forest pest activity.
11. If increased pinyon engraver bark beetle (*Ips confusus*) activity and pinyon pine mortality is identified in residual stands in or near the project area, additional slash specifications may be required. These specifications may include:
 - a. Extending the timeframe implementation is not allowed based on beetle life cycles, as well as recommendations from Forest Health Protection.
 - b. In areas where higher densities of pinyon and juniper are present (resulting in a heavier amount of activity slash), boles and limbs may be required to be bucked into smaller sizes in order to discourage beetle habitat and breeding.

PUBLIC INVOLVEMENT

This action was listed as a proposal on the Humboldt-Toiyabe National Forest Schedule of Proposed Actions on 04 January 2021. During the same week, scoping letters and emails were sent to 39 individuals and organizations with a potential interest in the project, including nearby landowners, environmental organizations, State agencies, and permittees. Scoping and outreach were intended to meet requirements consistent with Forest Service NEPA regulations (CFR 220) as well as National Historic Preservation Act requirements (CFR Part 800.2(c-d)). The District has conducted meetings and discussed options for field trips with leaders of the Bridgeport Indian Colony and other Tribal representatives since initiating the project. During scoping, one comment letter was received and considered as the proposal was refined.

DECISION

I have decided to approve the Proposed Action as described for the Jackass Flats project area. Treatment would remove pinyon pine and juniper on approximately 825 acres as described in the Proposed Action while following the Design Features and associated protection measures described in the Proposed Action.

Decision Rationale: My Decision meets the Purpose of and Need for Action of this Project. Ongoing

conversations I have shared with Tribal Leaders and other partners have helped our District refine the Proposed Action and Treatment Unit to revolve concerns they have expressed. During scoping, some interested parties contemplated the visual and structural outcome of the proposed treatments. The Project Vegetation Specialist Information document (incorporated by reference and available upon request), completed by our Zone Forester and Vegetation Management Officer, informs my decision regarding the short-term and long-term outcome impacts to the stand characteristics.

ANALYSIS

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures at 36 CFR 220.6(e)(6): “*Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction.*”

This category of action(s) is applicable because the purpose of the project is to improve habitat for sage-grouse, a sensitive wildlife species.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I considered resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The Forest Service consulted with US Fish and Wildlife Service (USFWS) and received an Official Species List for the Jackass Flats project, (20 January 2021) Consultation Code: 08ENV00-2015-SLI-0557 and 08ESMF00-2015-SLI-1152. Sierra Nevada bighorn sheep (*Ovis canadensis sierra*), Sierra Nevada red fox (*Vulpes vulpes necator*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Sierra Nevada yellow-legged frog (*Rana sierrae*), Yosemite toad (*Anaxyrus canorus*), Railroad Valley springfish (*Crenichthys nevadae*), Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*), and Paiute cutthroat trout (*Oncorhynchus clarkii seleniris*) have not been documented to occur in or near the project area and potential habitat for these species does not exist in the project area. Yellow-billed cuckoo (*Coccyzus americanus*) are not known to occur on the Bridgeport Ranger District. There would be no direct or indirect effects to any Federally listed threatened, endangered, or proposed terrestrial wildlife species. Additionally, the project does not lie in designated critical habitat for any TES species. Therefore, there will be no effect/no impact to these species.

There would be direct or indirect effects to Region 4 designated sensitive wildlife species that potentially occur in the project area. Pygmy rabbit (*Brachylagus idahoensis*), spotted bat (*Euderma maculatum*), Townsend’s western big-eared bat (*Corynorhinus townsendii*), greater sage-grouse Bi-State DPS (*Centrocercus urophasianus*), bald eagle (*Haliaeetus leucocephalus*), peregrine falcon (*Falco peregrinus*), mountain quail (*Oreortyx pictus*), flammulated owl (*Otus flammeolus*), and northern goshawk (*Accipiter gentilis*) may experience some short-term disturbance effects resulting from the avoidance of the project areas during implementation, however design features will minimize interactions with these species and avoid breeding/nesting seasons. The disturbance effects would be temporary and localized to the project areas. After crew activity in the area ceases, displaced animals could move back into the area.

Spotted bat and Townsend’s big-eared bat may experience disturbance at potential roost, hibernacula, and/or maternity sites within project area due to project activities, however none are

known to occur within or adjacent to the project area. Foraging activities would not likely be affected due to the timing of project activities being limited to daytime hours when bats are typically not active.

There would be no effects to migratory birds as seasonal restrictions would be followed to avoid avian nesting season.

The timing of this project is unlikely to substantially adversely affect nesting or reproductive behaviors of analyzed wildlife. It also won't affect migration or movement patterns as the actions are localized, short in duration, and will leave no long-term habitat alterations post project activities after restoration efforts are complete.

Potential direct impacts to bi-state sage grouse from treatments include disturbance due to noise, vehicles, and human presence. Proposed Action design features would mitigate much of these impacts. The Proposed Action is designed to improve and restore sage-grouse habitat quality. Indirect effects on habitat quality are expected to be largely beneficial. After pinyon-juniper has been removed, perches for predatory birds and hiding cover for mammalian predators will be greatly reduced, which is expected to decrease predation on grouse.

The Sensitive Plant BE/BA determined that with the incorporation of project Design Features, the implementation of the Project may affect individuals, but is not likely to result in a trend toward Federal listing or loss of viability for: Bodie Hills draba (*Cusickiella quadricostata*), Lavin's milkvetch (*Astragalus oophorus* var. *laviniior*), and Masonic Mountain jewelflower (*Streptanthus oliganthus*). Potential direct impacts to these species from project activities are expected to be minimal, since Design Features have been included to prevent direct disturbance to known plants (of which there are none in project area), and project activities only occur within unoccupied potential habitat. The majority of potential indirect effects to sensitive plants and suitable habitat are expected to be beneficial, while potential adverse effects would be reduced with the incorporation of project Design Features.

- **Flood plains, wetlands, or municipal watersheds** – There are no municipal watersheds or mapped wetlands in the project area; therefore, there are no effects to either of these features. There are several intermittent stream channels in the project area with associated floodplains. These floodplains are narrow and not all of them support riparian vegetation. There is one perennial stream channel adjacent to the project area with limited associated floodplains.

Hand-felling pinyon-juniper and lopping and scattering slash would likely have no measurable effects to soil and water. Any effects would be beneficial through the removal of competing conifers. There will be negligible ground disturbance or soil compaction from any of the activities associated with this project.

- **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** – None are present in or adjacent to the project area.
- **Inventoried roadless areas or potential wilderness areas** – There are no potential wilderness areas in or adjacent to the project area. The entire project area lies within the Fourth of July Spring Inventoried Roadless Area, and will receive treatment as described in the decision. The interdisciplinary team conducted an analysis of the nine roadless area characteristics and found that these characteristics will not be negatively affected by project work. Design features have been included in the decision to address concerns related to roadless character. In February 2020, Intermountain Regional Forester delegated review and compliance determination for portions of



the 2001 Roadless Area Conservation Rule to forest supervisors. I concur that the activities described above are consistent with the 2001 Roadless Area Conservation Rule.

- **Research natural areas** – None are present in or adjacent to the project area.
- **American Indians and Alaska Native religious or cultural sites** – Letters of consultation were sent to local tribes in 2020. Tribal Consultation includes an assessment of sacred sites and resources of traditional religious and cultural importance. Tribal consultation will be open and ongoing throughout implementation of the project. During the initial project design, the Bridgeport Ranger District avoided known areas of religious and cultural importance. During project analysis and implementation, the District reaches out to local interested tribes to ensure we provide opportunities to visit and protect additional sites. These changes are reflected in revised project boundaries and in layout and contract maps during project implementation.
- **Archaeological Resources, or historic properties or areas** – The District formally consulted with both the California and Nevada State Historic Preservation Offices (SHPO) in accordance with the Section 106 review process, including establishing the area of potential effect (APE) for the undertaking, development of a plan to identify historic properties, concurrence on historic property determinations, and concurrence on the agency finding of effect (R2018041702745).

The California SHPO concurred with agencies finding of “No Adverse Effect” for the Jackass Flats Sage-grouse Habitat Improvement Project, as revealed in the agency’s heritage report of findings. The concurrence requires the avoidance of sites listed on or potentially eligible for the National Register of Historic Places. California SHPO concurrence will also require an Archeological monitor during project implementation.

The Nevada SHPO objected to the district (forest) not pre-consulting with their office on the Jackass Flats Sage-grouse Habitat Improvement Project when less-than-100% survey was used. Consultation with NV SHPO has been completed and the agency concurred with the USFS’s finding of “No Adverse Effect”. An archaeological monitor will be required at all known unevaluated and eligible sites, and in areas where no surveys have been completed (~49 acres). Documentation photos of archaeological monitoring are required by the state. An Archaeological monitoring report will be produced within 60 days of completion of monitoring. None of the historic property types identified above will be impacted by the implementation of this proposed action.

Should any buried and/or previously unidentified resources are located during the project activities, the SHPO recommends that all work in the vicinity of the find cease and the agency be contacted for additional consultation.

FINDINGS AND CONSISTENCY REQUIRED BY OTHER LAWS, REGULATIONS, AND POLICIES

The Proposed Action is consistent with the following laws, policies, and regulations:

- The Toiyabe National Forest Land and Resource Management Plan (1986), as amended. The project conforms to forest plan goals and objectives, and standard and guidelines including those for cultural resources, soil and water, and wildlife and fisheries.
- **Migratory Bird Treaty Act:** Migratory birds are protected under the Migratory Bird Treaty Act (MBTA). Effects to migratory birds will be minimized by the limited duration of this project,

and by avoiding activities during the breeding season. Since activities will not occur during the breeding season, the proposed action would not affect breeding birds, but may disturb resident birds that inhabit the area year-round, wintering birds, or migrating birds for short periods. If work does occur in the breeding season, a preconstruction survey would be conducted by a qualified biologist and, based on the results, appropriate buffers would be imposed on active nests to avoid disturbing nesting birds. Project activities will not occur from March 1 through June 30 to protect sage-grouse during lekking and nesting seasons. Migratory bird breeding season in this region is considered complete by July 15, thus, the timeframe for potential impacts to nesting migratory birds is decreased.

- **Executive Order 12898** – Environmental Justice
- **Bald and Golden Eagle Protection Act (BGEPA):** The Jackass Flats BE/BA found that no golden eagle nests or cliff bands suitable for nesting, or bald eagle nests, are known within 4 miles of the project area. Individual eagles foraging in the project area could be disturbed and displaced by noise and human activities and potential perches may be removed. Design features will be implemented to limit potential invasion of weeds and reclaim disturbed areas. These effects would impact a relatively small area at any one time given the species' large home range likely resulting in temporary displacement to adjacent foraging habitats and negligible impact on the eagles. It concluded that the incremental impact of the proposed project when combined with the past, present, and reasonably foreseeable future actions would be minimal. All future proposed projects on National Forest System lands would be subject to mitigating measures to minimize impacts on wildlife, including golden eagles and their habitat.

DOCUMENTS INCORPORATED BY REFERENCE AND AVAILABLE UPON REQUEST

- Jackass Flats Sage Grouse Habitat Improvement Project - Biological Evaluation/Biological Assessment
BEBA_JackassFlatsPJRemoval_FINAL
- Jackass Flats Sage-Grouse Habitat Improvement Project - Watershed Report
(Jackass Flats WS - soil and water_Feb2021)
- Jackass Project Tribal Consultation Record
- Region 4 Roadless Project Summary and Briefing Sheet
(Jackass Flat_Roadless Project Summary and Briefing Sheet_2020-03-10)
- R4 Roadless Best Practices_202008
- Jackass Flat Sage-Grouse Habitat Improvement Project - Invasive Plant Species Risk Assessment
(JackassFlat_IPSRA_20210226)
- Biological Evaluation and Assessment for Region 4 Forest Service Sensitive and Federally Listed Plant Species - Jackass Flat Sage-Grouse Habitat Improvement Project
(JackassFlat-BotanyBEBA_20210226)



IMPLEMENTATION DATE

Project implementation may occur as soon as fall 2021. After initial treatments, follow-up maintenance and removal of pinyon and juniper that are either newly established from seed or were missed in the initial treatment would be done by hand as needed to reduce future encroachment. All maintenance would follow the design features approved in this decision.

CONTACT

For additional information concerning this decision, contact David Hamilton, Bridgeport Ranger District Wildlife Biologist, at 775-277-0043 or david.hamilton@usda.gov.

April 28, 2021

JAN CUTTS
Bridgeport District Ranger

Date

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